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Attorney for Defendant DAWID TOMASZ WOZNIAK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
DAWID TOMASZ WOZNIAK,  
Defendant

Case No.: 2:22-mj-00028-KJN-1

**EX PARTE APPLICATION TO EXCEED  
PAGE LIMIT OF NOTICE OF MOTION  
AND MOTION FOR RECONSIDERATION  
OF BAIL**

**TO THE HONORABLE KENDALL J. NEWMAN, UNITED STATES MAGISTRATE JUDGE; AND THE UNITED STATES ATTORNEY'S OFFICE AND ITS ATTORNEY OF RECORD, ASSISTANT UNITED STATES ATTORNEY AUDREY BENISON HEMESATH:**

Defendant DAWID TOMASZ WOZNIAK, by and through his counsel of record, Joseph Abrams, hereby applies to this Court for an Order authorizing the defendant's Notice of Motion and Motion for Reconsideration of Bail to exceed the prescribed page limit.

DATED: March 31, 2022

*/s/ Joseph Abrams*

## Joseph Abrams

Attorneys for Defendant

1 **MEMORANDUM OF POINTS AND AUTHORITES**

2 Pursuant to Local Rule 429 (Bail Review Procedures), a Notice of Motion and Motion for  
3 Reconsideration of Bail shall not exceed five pages unless authorized by the Court.

4 On February 17, 2022, the government filed its Memorandum of Extradition Law and Request  
5 for Detention Pending Extradition Proceedings. Prior counsel failed to file any response to the  
6 government's memorandum.

7 On February 22, 2022, citing only the government's unopposed memorandum, the Honorable  
8 Carolyn K. Delaney, United States Magistrate Judge, issued the Court's *Order of Detention Pend-*  
9 *ing Trial* and ordered the defendant, Dawid Tomasz Wozniak, detained pending further extra-  
10 di-  
11 tions proceedings.

12 Mr. Wozniak's newly retained counsel intends to file a Notice of Motion and Motion to Re-  
13 consider Bail. This represents Mr. Wozniak's *first* opportunity and effort to oppose the govern-  
14 ment's request for detention. The motion will include only new facts and circumstances that were  
15 not shown or presented to the Court when it previously considered the government's request for  
16 detention.

17 Counsel has made every effort to limit the motion to only the most essential facts and circum-  
18 stances necessary for the Court to make a determination as to bail in this case. However, because  
19 this is Mr. Wozniak's first request for bail, the page limitation does not allow Mr. Wozniak to  
20 make a full and vigorous mitigation argument to the Court.

21 Counsel anticipates that the entire pleading will not exceed 10 pages, excluding any attached  
22 exhibits.

23 **Good cause appearing, it is hereby ORDERED that:**

24 The defendant's Notice of Motion and Motion for Reconsideration of Bail is authorized to  
25 exceed the 5-page limit required under Local Rule 429, but shall not exceed 10 pages, excluding  
26 any attached exhibits.

27 Dated: March 31, 2022

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE